



BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG915

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries;

Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an exempted fishing permit application submitted by the Cape Cod Commercial Fishermen's Alliance contains all of the required information and warrants further consideration. This exempted fishing permit would require participants to use electronic monitoring systems on 100 percent of sector trips for catch accounting in the Northeast multispecies fishery; additionally, vessels would be authorized to access portions of Northeast multispecies closed areas. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed exempted fishing permits.

DATES: Comments must be received on or before *[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.

ADDRESSES: You may submit written comments by either of the following methods:

- *Email:* nmfs.gar.efp@noaa.gov. Include in the subject line "100 PERCENT EM EFP."

- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "100 PERCENT EM EFP."

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978-281-9232.

SUPPLEMENTARY INFORMATION: Northeast multispecies (groundfish) sectors are required to implement and fund an at-sea monitoring (ASM) program. Sectors may use electronic monitoring (EM) to satisfy this monitoring requirement, provided that NMFS deems the technology sufficient for catch monitoring. NMFS has yet to approve EM as a suitable alternative to ASM. However, NMFS is working with industry and other stakeholders to test the operational feasibility of EM and resolve outstanding barriers to implementation. Project partners include the Cape Cod Commercial Fishermen's Alliance, The Nature Conservancy, the Maine Coast Fishermen's Association, the Gulf of Maine Research Institute, and fishermen.

In fishing year 2017, NMFS issued an exempted fishing permit (EFP) to these project partners to develop an audit-model EM program for the groundfish fishery. The EFP required vessels to use EM systems on 100 percent of groundfish sector trips to verify regulated groundfish discards. EM was used in lieu of human observers to meet their sector ASM requirements. Thirteen vessels using a variety of gear types (*e.g.* hook, benthic longline, sink gillnet, bottom trawl) participated in the project. A total of 81 trips were completed in fishing year 2017. The EFP was renewed in fishing year 2018, adding

exemptions to allow participating vessels to fish in closed areas during certain times of the year. A total of 258 trips suitable for quota monitoring were completed during fishing year 2018.

The project partners have submitted a renewal request for fishing year 2019. The proposed participant list includes 18 vessels, 16 of which participated in this EFP in fishing year 2018. Together, these vessels are expected to take an estimated 425 trips. The project partners expect that additional vessels may join the project in fishing year 2019.

Vessels participating in this EFP would be exempt from the regulations requiring them to adhere to their sector's ASM program, and instead would be required to use EM on 100 percent of groundfish trips. Camera systems would be used in lieu of human at-sea monitors, and in addition to Northeast Fishery Observer Program (NEFOP) observers. Vessels would adhere to a vessel-specific monitoring plan detailing at-sea catch handling protocols. Vessels would submit haul-level electronic vessel trip reports (eVTR) with count and weight estimates for all groundfish discards. Vessels would not be exempt from any other standard reporting and monitoring regulations.

The discard estimates provided in the eVTR would be used for catch accounting, and all catch of allocated groundfish would be deducted from the appropriate sector's allocation. The EM service provider would review the video footage and produce an EM summary report identifying, counting, and generating weight estimates for all groundfish discards. The provider would submit this report to NMFS. NMFS would compare the eVTR and EM summary file to ensure the submissions match within an established tolerance. If the trips do not match, the eVTR would not be used for catch accounting for

that trip. For trips that carry a NEFOP observer, the NEFOP data would be used for catch accounting.

In previous years, the EM service provider reviewed 100 percent of the video footage at the outset of the fishing year with the option to reduce this percentage mid-year as part of audit-model testing, with our approval. This option was never used. In fishing year 2019, based on statistical analysis of EFP trips from 2017 and 2018, the EM service provider would use a 50 percent audit target as part of audit model testing. Audit percentage may fluctuate as part of this testing, with our approval. Following the EM service provider's review, the Northeast Fisheries Science Center would conduct a secondary review of the EM summary reports for a subset of trips.

Because participating vessels would be fully monitored, project partners requested exemptions to access to closed areas, to incentivize participation and create additional fishing opportunities for healthy stocks. Vessels would be allowed to use hook gear and sink gillnets in Closed Area II from May 1 through February 15, hook gear in Western Gulf of Maine Closure Area, and jig gear in Cashes Ledge Closure Area.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 9, 2019.

Jennifer M. Wallace,

Acting Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

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